



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

June 3, 2015

Mr. John Davis, Facility Manager  
Nexeo Solutions  
400 Main St.,  
Tewksbury, MA 01876

Re: Nexeo Solutions - **Notice of Noncompliance**  
EPCRA 313 Toxic Release Inventory Case No.: 2015-01

Dear Mr. Davis:

On September 4, 2014, a representative of the U.S. Environmental Protection Agency ("EPA") inspected the Nexeo Solutions facility located at 400 Main St., Tewksbury, MA ("the facility"). The purpose of the inspection was to assess compliance with Toxic Release Inventory ("TRI") reporting requirements under Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11023.

As a result of the inspection and data obtained after the inspection, EPA has determined that your facility failed to meet certain requirements of Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and is issued this **Notice of Noncompliance**. Additionally,

The specific violations are set forth below:

- For reporting year 2013, Nexeo incorrectly filed a Form A for styrene when a Form R was required in violation of 40 CFR 372.30. The facility was required to submit to the United States Environmental Protection Agency and to the State of Massachusetts a TRI Form R (EPA Form 9350-1) for styrene. Form A may only be used when the threshold for a TRI chemical is below one million pounds manufactured, processed or otherwise used in a year, and total combined releases do not exceed 500 pounds. For 2013, Nexeo released 1,185 pounds of styrene, exceeding the 500 pound limit.
- Additionally, during the September 4, 2014 EPA inspection, Nexeo failed to have all supporting material and documentation used in developing each required notice at the facility as required in 40 CFR 372.10(c). This information was not readily available for purposes of inspection by EPA and Nexeo was unable to provide calculations and supporting documentation during the inspection. Nexeo was able to provide this information - between 11 to 25 days after the inspection.

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Internet Address (URL) • <http://www.epa.gov/region1>

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**Within 30 days** of receipt of this letter, please submit a written description with supporting documentation of the actions Nexeo will take so the aforementioned violations will not occur in the future to:

**Chris Rascher  
RCRA, EPCRA and Federal Programs Unit  
U.S. Environmental Protection Agency  
5 Post Office Square – Suite 100  
Mail Code: OES05-1  
Boston, MA 02109-3912**

Failure to correct the violation as required by this Notice of Noncompliance may subject Nexeo to further federal enforcement action including an assessment of penalties pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c) and 40 C.F.R. § 372.18, as amended by 40 C.F.R. Part 19.

If you have any questions or comments regarding this matter, please contact Chris Rascher of my office, at (617) 918 - 1834.

Sincerely,

  
Mary Jane O'Donnell, Acting Chief  
RCRA, EPCRA and Federal Program Unit  
Office of Environmental Stewardship  
U. S. Environmental Protection Agency